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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,661	09/10/2003	John Peter Roquemore III	11263.00	3687
26884	7590	08/30/2005	EXAMINER	
PAUL W. MARTIN LAW DEPARTMENT, WHQ-4 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			AU, SCOTT D	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/659,661	Applicant(s) ROQUEMORE, JOHN PETER	
	Examiner Scott Au	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

The application of Roquemore for a "Dual-communication electronic shelf label system and method" filed September 10, 2003 has been examined.

Claims 1-12 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalton et al. (US# 6,419,154) in view of Matsushita (US# 6,762,674).

Referring to claims 1 and 10, Dalton et al. disclose an electronic shelf label system and method comprising:  
a base station (120) (i.e. relay unit) including first wireless downlink communication circuitry (304) (i.e. transmitter circuitry of relay unit 120) and first wireless uplink communication circuitry (205) (i.e. transmitter circuitry of tag 122); and an electronic shelf label including second wireless downlink communication circuitry(206) (i.e. receiver circuitry of tag 122) for receiving messages from first wireless downlink communication of the base station (120) (i.e. relay unit), and second wireless uplink

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communication circuitry (312) (i.e. receiver circuitry of relay unit 120) for sending messages to first wireless uplink communication of the base station (120) (i.e. relay unit) (col. 3 lines 17-65; see Figures 1-3).

However, Dalton et al. did not explicitly disclose the first wireless uplink operating in a different mode than the first wireless downlink communication circuitry.

In the same field of endeavor of inventory system, Matsushita suggests the first wireless uplink operating in a different mode than the first wireless downlink communication circuitry (i.e. different mode operation of transmitting and receiving at different frequency, col. 5 lines 16-23; see Figure 5).

One ordinary skill in the art understands that different mode operation of transmitting and receiving at different frequency of Matsushita is desirable in the inventory system of Dalton et al. suggest the electronic shelf label systems of having the downlink communications path is separate from and may employ different technology than the uplink communication path (col. 1 line 29-38) and Matsushita suggests the electronic shelf label systems wherein the tag transmitting section is operated at a lower frequency of 300 Mhz and the receiving section is received at the frequency band of 2.4GHz (col. 5 lines 16-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include different mode operation of transmitting and receiving at different frequency of Matsushita in the inventory system of Dalton et al. with the motivation for doing so would allow the longer life of the battery of the tag.

Referring to claim 2, Dalton et al. in view of Matsushita disclose the system of claim 1, Dalton et al. disclose further comprising a computer (102) (i.e. host computer) coupled to the base station (120) (i.e. relay unit) via a cable for sending messages to the electronic shelf label via the first and second wireless downlink communication circuitries, and for receiving messages from the electronic shelf label via the first and second wireless uplink communication circuitries (col. 2 line 64 to col. 3 line 8).

Referring to claim 3, Dalton et al. in view of Matsushita disclose the system of claim 1, Matsushita discloses wherein the first and second wireless downlink communication circuitries communicate at a first frequency and the first and second wireless uplink communication circuitries communicate at a second frequency different than the first frequency (col. 5 lines 16-67; see Figure 5).

Referring to claim 4, Dalton et al. in view of Matsushita disclose the system of claim 1, Matsushita discloses wherein the first and second wireless downlink communication circuitries communicate in a first communication band and the first and second wireless uplink communication circuitries communicate in a second communication band different than the first communication band (col. 5 lines 16-67; see Figure 5).

Referring to claim 5, Dalton et al. in view of Matsushita disclose the system of claim 1, Matsushita discloses wherein the first and second wireless downlink

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communication circuitries communicate at a frequency of about 2.4 GHz (col. 5 lines 16-67; see Figure 5) and Dalton et al. disclose the first and second wireless uplink communication circuitries communicate at an infrared frequency (col. 2 line 64 to col. 3 line 8).

Referring to claim 6, Dalton et al. in view of Matsushita disclose the system of claim 1, Matsushita discloses wherein the first and second wireless downlink communication circuitries communicate at a frequency of about 2.4 GHz (col. 5 lines 16-67; see Figure 5) and it is conventional in the art for one ordinary skill to use inductance coupling a communication path between devices.

Referring to claim 7, Dalton et al. in view of Matsushita disclose the system of claim 1, Matsushita discloses wherein the first and second wireless downlink communication circuitries communicate at a first frequency of about 2.4 GHz and the first and second wireless uplink communication circuitries communicate at a second frequency substantially lower than the first frequency (col. 5 lines 16-67).

Referring to claim 8, Dalton et al. in view of Matsushita disclose the system of claim 1, Matsushita discloses wherein the second frequency is at 300 MHz which is closed about 400 MHz. Therefore, it is obvious for one ordinary skill in the art to understand that the transmitted signal from the tag is weaker than the received signal

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and is upon an individual to set the frequency band that best fit the transmission from the tag.

Referring to claim 11, Dalton et al. in view of Matsushita disclose the method of claim 10 above, Dalton et al. disclose the steps of:

- e) sending the message to the base station through a cable by a computer ; and
- f) receiving the response through the cable by the computer (col. 2 line 64 to col. 3 line 8).

Referring to claims 9 and 12, Dalton et al. in view of Matsushita disclose the electronic shelf label system, to the extent as claimed with respect to claims 1 and 10 above, and the system and method further including: the first wireless uplink communication circuitry operating at a substantially lower frequency than the first wireless downlink communication circuitry (col. 5 lines 15-67, Matsushita); and a computer (102) (i.e. host computer) coupled to the base station (120) (i.e. relay unit) via a cable for sending messages to the electronic shelf label via the first and second wireless downlink communication circuitries, and for receiving messages from the electronic shelf label via the first and second wireless uplink communication circuitries (col. 2 line 64 to col. 3 line 8, see Dalton et al.).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goodwin, III (US# 5,794,215) discloses the method of optimizing electronic price label systems.

Zimmerman et al. (US# 6,046,682) disclose the EPL including noisemaker and method of locating electronic price labels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (571) 272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-272-1817.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

MICHAEL HORABIK  
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